IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1447 OF 2006
IN
SUIT NO.2546 OF 2006

Pratiksha Ketan Shah & Anr. ...Plaintiff
Vs.
M/s.Shree Prathmesh Builders & Ors. ...Defendants

Mr.Chandrakant Chavan for Applicant/Plaintiff
Mr. Kishore Jain i/b. T. Goradia & B. Manek for Defendant Nos.4 to 6
Ms. Shweta Shetty for proposed Defendant No.7

CORAM: SMT. ROSHAN DALVI, J.
DATED: 15TH FEBRUARY, 2007

P.C.

1. The Suit is filed for specific performance of the agreement dated 20th December, 2004. Third party rights have been created after filing of the Suit. The Respondent claims to be a bonafide purchaser for value without notice of the Plaintiff claim. The Respondent is therefore a proper party to the suit.

2. The Chamber Summons is made absolute in terms of prayer (a).

3. The Plaintiff shall carry out amendments within 2 weeks. The Plaintiff shall also amend the copy of the plaint served upon the Defendants within 2 weeks. The Plaintiff shall serve the amended copy of the plaint upon the Respondent who shall be made Defendant No.7.

4. The Advocate for the Defendant No.7 waives service.

(SMT.ROSHAN DALVI, J.)